

REMARKS

The Non-Final Office Action mailed August 26, 2009 and the references cited therein have been carefully considered. Claims 1-17 are now pending in the application. By this response Claims 1-4 and 6-11 are amended; Claims 12 and 15-17 have been cancelled and new Claims 18-58 are hereby presented. The amendments to Claim 1-4 and 6-11 are introduced to clarify aspects of the disclosed technologies, in particular to address the claim objections noted in the subject Office Action. Also the claim amendments incorporate allowable subject matter from Claim 12 into Claim 1. Additionally, the claim amendments incorporate further allowable subject matter in the new claims and added corresponding dependent claims. The New Claims present combinations of the originally presented claims as follows:

Claim 18 is based on a combination of originally presented Claims 1 and 2;
Claim 19 is based on originally presented Claim 3;
Claim 20 is based on originally presented Claim 4;
Claim 21 is based on originally presented Claim 5;
Claim 22 is based on a combination of originally presented Claims 12 and 13;
Claim 23 is based on a combination of originally presented Claims 12 and 14;
Claim 24 is based on a combination of originally presented Claims 1 and 6;
Claim 25 is based on originally presented Claim 4;
Claim 26 is based on originally presented Claim 5;
Claim 27 is based on originally presented Claim 7;
Claim 28 is based on a combination of originally presented Claims 1 and 9;
Claim 29 is based on a combination of originally presented Claims 1 and 10;
Claim 30 is based on originally presented Claim 8;
Claim 31 is based on originally presented Claim 12;

Claim 32 is based on originally presented Claim 13;
Claim 33 is based on originally presented Claims 14;
Claim 34 is based on originally presented Claim 8 and 14;
Claim 35 is based on originally presented Claim 16;
Claim 36 is based on originally presented Claim 17;
Claim 37 is based on originally presented Claim 8;
Claim 38 is based on originally presented Claim 12;
Claim 39 is based on originally presented Claim 13;
Claim 40 is based on originally presented Claims 14;
Claim 41 is based on originally presented Claim 8 and 14;
Claim 42 is based on originally presented Claim 16;
Claim 43 is based on originally presented Claim 17;
Claim 44 is based on originally presented Claim 12;
Claim 45 is based on originally presented Claim 13;
Claim 46 is based on originally presented Claims 14;
Claim 47 is based on originally presented Claim 8 and 14;
Claim 48 is based on originally presented Claim 16;
Claim 49 is based on originally presented Claim 17;
Claim 50 is based on originally presented Claim 12;
Claim 51 is based on originally presented Claim 13;
Claim 52 is based on originally presented Claims 14;
Claim 53 is based on originally presented Claim 8 and 14;
Claim 54 is based on originally presented Claim 16;
Claim 55 is based on originally presented Claim 17;
Claim 56 is based on originally presented Claim 16;
Claim 57 is based on originally presented Claim 17; and
Claim 58 is based on originally presented Claim 7.

Additionally, Claim 24 includes the added recitation of “the meandering diffraction gratings of second microscopically fine surface structure including grating vectors having a range in the azimuth,” support for which can be found in the original specification at page 11, lines 24-28. This portion of the specification also supports the use of “range in the azimuth” introduced in Claims 25 and 26. Accordingly, no new matter is presented by these amendments. Applicants respond to the issue raised in the subject Office Action more specifically below and respectfully requests reconsideration of the pending rejections.

Examiner’s Telephone Interview

Applicant appreciates and acknowledges the brief telephone discussion that took place with Examiner Alessandro V. Amari on September 21, 2009 regarding the subject patent application. The undersigned inquired regarding pending Claims 2-6, 9, 10 and 12-14, for which no prior art rejections are included in the subject Office Action, yet no indication of allowance was included. At that time, Examiner Amari provided a verbal indication that Claims 2-6, 9, 10 and 12-14 contain allowable subject matter and would be allowed if amended to incorporate all the limitations of the base claim and intervening claims. Applicant appreciates and acknowledges this indication of allowable subject matter and has hereby incorporated amendments to the claims to accept the allowable subject matter.

Claim Objections

Claims 12-15 are objected to for containing various informalities, including the lack of antecedent basis for the expression “the linear diffraction gratings” or “the diffractive scatters”. The expression “linear diffraction gratings” has been added by these amendments to Claim 1 to avoid this objection. Also, Claim 15 has been cancelled, thereby eliminating the objectionable claim language. Thus, Applicant respectfully requests reconsideration and withdrawal of the objections to the Claims.

Claim Rejections under 35 USC § 112, Second Paragraph

Claims 1-17 are rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. By the amendments presented herein, Applicant has attempted to clarify the language of the claims. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the objections to the Claims.

Claim Rejections under 35 USC § 103

Claims 1, 7, 8, 11 and 15-17 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Published Patent Application 2004/0130760 to **Schilling et al.** in view of U.S. Patent No. 6,157,487 to **Staub**. In view of the claim amendments presented herein and the indication of allowable subject matter during the telephone discussion noted above, this rejection is rendered moot. Accordingly, Applicant respectfully requests that this rejection be withdrawn.

Conclusion

Applicants submit that the claims, particularly independent claims 1, 18, 24, 28 and 29, are clearly distinguishable from the cited prior art references. Also, claims 2-11, 13, 14, 19-23, 25-27 and 30-58, which ultimately depend from Claim 1, 18, 24, 28 and 29, are similarly patentable over the art of record by virtue of their dependence. Also, Applicants submit that Claims 2-11, 13, 14, 19-23, 25-27 and 30-58 define patentable subject matter in their own right.

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In view of the foregoing remarks, Applicants respectfully request reconsideration and allowance of the claims presented.

If the Examiner has any questions or suggestions to expedite allowance of this application, she is cordially invited to contact Applicants' attorney at the telephone number provided.

Respectfully submitted,

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